



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,441	03/04/2002	Gerald Burnett	CA1149	4401

23493 7590 07/23/2007
SUGHRUE MION, PLLC
401 Castro Street, Ste 220
Mountain View, CA 94041-2007

EXAMINER

SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
----------	--------------

2153

MAIL DATE	DELIVERY MODE
-----------	---------------

07/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/018,441

Applicant(s)

BURNETT ET AL.

Examiner

Philip S. Scuderi

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 07 May 2007 (herein "Remarks") have been fully considered but they are not deemed persuasive.

1. Applicant argues that Stewart (U.S. Patent No. 6,389,112) and Lindholm (U.S. Patent No. 6,477,207) do not teach "virtually every required aspect of multimedia networks, including high-throughput switching, appropriate network architecture, data transmission, protocols applicable for the control and transport of digital signals, and endpoint terminal technologies compatible with these so as to realize video capture, encoding, compression, transmission, reception, decoding, decompression, and display necessary for the implementation of the claimed multimedia network that supports at least audio and video communications." (Remarks at page 17).

As applicant is no doubt aware, during patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." (MPEP § 2111, quoting Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)).

Here, claim 1, for example, recites a "multimedia collaboration system network for at least audio and video communications." The specification does not expressly define a "multimedia collaboration system" or a "multimedia collaboration system network." The specification states that "[m]ultimedia collaboration systems facilitate the exchange of audio, video, text graphics, application commands and/or other types of information between users in real, near-real, or non-real time conversation." (Specification at page 1).

Thus, taken alone, a “multimedia collaboration system network” is any network capable of exchanging “information between users in non-real time.” The information can be any information and the limitation “non-real time” can reasonably be interpreted to mean any time.

The claim further limits the “multimedia collaboration system network” by requiring that it be “for audio and video communications.” Thus, the broadest reasonable interpretation of the network in claim 1 is any network capable of exchanging audio and video information between users. However, every network is capable of exchanging data, and is therefore capable of exchanging audio and video data between users. Thus, the broadest reasonable interpretation of the claimed “multimedia collaboration system network” is any network.

Stewart clearly teaches a network and therefore meets the claim. (See Stewart at fig. 1).

The broadest reasonable interpretation of the claimed “multimedia collaboration system network” set forth above clearly does not require “high-throughput switching, appropriate network architecture, data transmission, protocols applicable for the control and transport of digital signals, and endpoint terminal technologies compatible with these so as to realize video capture, encoding, compression, transmission, reception, decoding, decompression, and display necessary for the implementation of the claimed multimedia network that supports at least audio and video communications” as alleged by applicant. Although claims are interpreted in light of the specification, limitations from the specification are not read into the claims. (See MPEP § 2145(VI), citing In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)).

Moreover, even if the claims required that the network be capable of real-time transmission of audio and video (which they clearly do not), it would be obvious to one of ordinary skill in the art to use the ADSL or HDSL technologies disclosed by Lindholm to provide the capabilities because

Art Unit: 2153

these technologies provide well known advantages such as conveniently enabling users to conduct video communications over these existing networks. (See Lindholm at col. 1, ll. 40-49).

2. Applicant argues that Stewart does not meet the event elements in independent claims 1, 42, and 52 because these events are allegedly claimed as occurring within a multimedia collaboration system network. (See Remarks at pages 17-18).

This argument is unpersuasive for at least the same reason as the last argument. Namely, a multimedia collaboration system network, as claimed, can reasonably be interpreted to be any network. Thus, any network events taught by Stewart can reasonably be interpreted to occur in a multimedia collaboration network.

3. Applicant argues that Stewart does not teach every feature of, for example, claim 1 because Stewart allegedly does not teach generating reports based on query information applied to event information in the database module.

This argument is not deemed persuasive. Stewart clearly teaches that “the central unit[] uploads the ...[event] data for each site and for the network to the network processor 28 where it is made available for ... querying.” (Stewart at col. 10, ll. 36-41).

4. Applicant argues that Stewart does not teach the claimed network “for sharing data among a plurality of workstations.” (See Remarks at page 20). Applicant requests that the examiner explain how Stewart meets this limitation. (See id).

The examiner maintains that Stewart teaches a network “for sharing data among a plurality of workstations” (emphasis added). The “for” language merely limits the claimed network to being

Art Unit: 2153

capable of sharing data among workstations. The workstations themselves are not required by the claim.

5. Applicant alleges that it would not have been obvious to connect a video conference workstation to Stewart's telephone network in view of the teachings of McNamara (U.S. Patent 5,974,139).

The examiner disagrees. McNamara teaches that an ADSL system is more than capable of providing video-on-demand capability, video conferencing, etc. (See McNamara at col. 1, ll. 29-46). In view of this statement, one of ordinary skill in the art would readily recognize that there is a need in the art to provide video conferencing over existing networks. Thus, it would have been obvious to provide such a system here. A video conference workstation is an inherent feature of any video conferencing system. Inherent disclosures may be relied upon in the rejection of claims under 35 U.S.C. §§102-103. (See MPEP § 2112).

Moreover, upon further review, it is clear that the workstations recited in, for example, claim 31 are not even required by the claim. The examiner previously thought that the limitation "at least one of the workstations having a monitor for displaying visual images and A/V capture and reproduction capabilities for capturing and reproducing video images and spoken audio of the participants" was enough of a positive recitation to actually require the workstations to exist. However, it is now clear that this is not the case. This limitation refers to workstations in a "network for providing services to a plurality of workstations" (emphasis added). Thus, the workstations do not actually need to exist to meet the claim for the same reasons that the examiner cited above (i.e., the "for" language). (See bullet #4, supra).

Art Unit: 2153

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28, 30, 43-49, and 51-53 are rejected under 35 U.S.C. 103(a) as being obvious over Stewart (US 6,389,112) in view of Lindholm (US 6,477,207).

Regarding claim 1, Stewart teaches a multimedia collaboration reporting system for use in connection with at least one underlying multimedia collaboration system, the system comprising:

at least one event monitoring module for monitoring events associated with the underlying multimedia collaboration system network, said events comprising: internal system events consisting of events occurring with the underlying multimedia collaboration system network, external events consisting of events occurring outside the underlying multimedia collaboration system network and service events, consisting of service events associated with servers connected to said underlying multimedia collaboration system network said at least one monitoring module responsively generating corresponding event information (column 6, lines 34-44; table 1);

at least one database module (network processor 28) for receiving event information and recording the event information therein and for searching for and retrieving event information according to predetermined characteristics and attributes at one or more later times after said recording (column 10, lines 36-41; column 12, lines 65-67); and

a reporting module for receiving query information from a user and for generating a report in accordance with the query information using the event information recorded in the database module (column 10, lines 36-41).

Stewart does not expressly disclose that the network supports at least audio and video communications. The claimed network is “for at least audio and video communications” (emphasis added). The audio and video communications are claimed as mere intended use of the network. Also, even if the claims are interpreted such that the audio and video communications are required, the claims are still obvious over Lindholm (US 6,477,207).

Lindholm discloses “The present ADSL ... and HDSL ... techniques ... offer new possibilities for high-rate data and video transmission along the wire pair of a telephone network to the subscribers’ terminals” (column 1, lines 40-49). It would have been obvious to enable Stewart’s network to support such video transmission, thereby continually enabling users to conduct video communications.

Regarding claim 2, Stewart teaches that the network reporting system is configured to monitor events associated with a plurality of multimedia collaboration system networks (because the reporting system can be on a WAN), wherein one of the modules (e.g., the reporting module) is deployed in a centralized manner with respect to one of the multimedia collaboration system networks (figure 1; column 4, line 35 et seq.)

Regarding claim 3, Stewart teaches that the network reporting system is configured to monitor events associated with a plurality of multimedia collaboration system networks (because the reporting system can be on a WAN), wherein one of the modules (e.g., the reporting module) is deployed in a centralized manner among the plurality of multimedia collaboration system networks (figure 1; column 4, line 35 et seq.)

Regarding claim 4, Stewart teaches that the decentralization of any of the modules results in a first system architecture that parallels the network architecture of a selected one of the multimedia system networks (figure 1).

Regarding claim 5, Stewart teaches that the server events comprise service events (table 1).

Regarding claim 6, Stewart teaches that the database module further comprises a startup record operable to store event information corresponding to the server startup events (table 1).

Regarding claim 7, Stewart teaches that the startup record comprises supplemental information (table 1).

Regarding claim 8, Stewart teaches that the database module further comprises at least one shutdown record operable to store event information corresponding to server shutdown events (table 1).

Regarding claim 9, Stewart teaches that the shutdown record comprises supplemental information (table 1).

Regarding claim 10, Stewart teaches that the database module further comprises at least one user login record operable to store event information corresponding to user login events (table 1).

Regarding claim 11, Stewart teaches that the user login record comprises supplemental information (table 1).

Regarding claim 12, Stewart teaches that the database module further comprises a user logout record operable to store event information corresponding to user logout events (table 1).

Regarding claim 13, Stewart teaches that the user logout record comprises supplemental information (table 1).

Regarding claim 14, Stewart teaches that the database module further comprises at least one call record operable to store event information corresponding to call events (table 1).

Regarding claim 15, Stewart teaches that the call record comprises timing information (table 1).

Regarding claim 16, Stewart teaches that the database module comprises at least one call error record operable to store event information corresponding to call error events (table 1).

Regarding claim 17, Stewart teaches that the call error record comprises timing information (table 1).

Regarding claim 18, Stewart teaches that the database module further comprises at least one service record operable to store event information corresponding to service events (table 1).

Regarding claim 19, Stewart teaches that the service record comprises timing information (table 1).

Regarding claim 20, Stewart teaches that the database module further comprises at least one service record operable to store event information corresponding to service error events (table 1).

Regarding claim 21, Stewart teaches that the service error record comprises timing information (table 1).

Regarding claim 22, Stewart teaches that the database module comprises a plurality of localized databases, each localized database configured to store the monitored event information associated with a particular multimedia collaboration system network, and a centralized database configured to centrally maintain the stored information associated with each of the plurality of localized databases (figure 1).

Regarding claim 23, Stewart teaches that the database module comprises a centrally located database configured to maintain the monitored event information (figure 1).

Regarding claim 24, Stewart teaches that the database module comprises a plurality of localized databases, each database configured to store the monitored event information associated with a particular multimedia collaboration system network (figure 1).

Regarding claim 25, Stewart teaches that the reporting module is configured to generate either standard or customizable reports relating to the operation of the multimedia collaboration network in response to the database query parameter information (column 10, lines 36-41).

Regarding claim 26, Stewart teaches that the reporting module comprises a web-based interface for providing either of a web-based query or response interactivity to the reporting module such that a database query can be formulated and provided via the Internet (figure 1; column 10, lines 36-41).

Regarding claim 27, Stewart teaches that the reporting module is operable, in response to the query information, to perform either of predetermined calculations or conditional tests on the event information stored in the database module in order to generate a report (column 10, lines 36-41).

Regarding claim 28, Stewart teaches that the report comprises a machine readable report file (column 10, lines 36-41).

Regarding claim 30, Stewart teaches that the report comprises a combination of textual and graphical data (column 10, lines 36-41).

Regarding claim 43, the claim is rejected for substantially the same reasons as claim 1.

Regarding claim 44, the claim is rejected for substantially the same reasons as claim 1.

Regarding claim 45, Stewart teaches that the database query system comprises a general filter (column 10, lines 36-41).

Regarding claim 46, Stewart teaches that the report generation system is configured to generate either standard or customizable reports about the multimedia collaboration system network in response to the database query information (column 10, lines 36-41).

Regarding claim 47, Stewart teaches that the reporting system provides a web-based interface for providing either of a web-based query or response interactivity such that a database query can be formulated and provided via the Internet (figure 1).

Regarding claim 48, Stewart teaches that the reporting system is operable, in response to the query information, to perform either of predetermined calculations or conditional tests on the event information stored in the database in order to generate a report (column 10, lines 36-41).

Regarding claim 49, Stewart teaches that the report comprises a machine readable report file (column 10, lines 36-41).

Regarding claim 51, Stewart teaches that the report comprises a combination of textual and graphical data (column 10, lines 36-41).

Regarding claim 52, the claim is rejected for substantially the same reasons as claim 1.

Regarding claim 53, Stewart teaches that said event information comprises event logs (table 1).

Claims 31-39, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (US 6,389,112) in view of Lindholm (US 6,477,207) and McNamara (US 5,974,139).

Regarding claim 31, Stewart teaches a multimedia collaboration system for conducting a conference among a plurality of participants and for exchanging at least audio and video transmission, comprising:

a multimedia collaboration system network for providing services to a plurality of workstations (figure 1);

a data network providing a data path along which data can be shared among the plurality of the workstations; and a data conference manager for managing the sharing of data between the plurality of workstations (figure 1);

a separate reporting system connected with the multimedia collaboration system network and configured to provide reporting analysis of the multimedia collaboration system network, the reporting system comprising a network control system configured to monitor event information, said event information comprising internal event information consisting of information regarding events occurring within the system network, external event information consisting of information regarding events occurring outside the system network, and service event information, consisting of information regarding service events associated with servers of the system network, affecting the multimedia collaboration system network (column 6, lines 34-44; table 1);

a database configured to store the monitored event information (figure 1);

a database query system configured to format a database query according to information and to query the database in accordance with the database query information (column 10, lines 36-41; column 12, lines 65-67); and

a report generation system configured to generate an analysis report from the monitored event information stored in the database in accordance with the database query information (column 10, lines 36-41; column 12, lines 65-67).

Stewart does not expressly disclose that the network supports at least audio and video communications. The claimed network is “for at least audio and video communications” (emphasis added). The audio and video communications are claimed as mere intended use of the network.

Art Unit: 2153

Also, even if the claims are interpreted such that the audio and video communications are required, the claims are still obvious over Lindholm (US 6,477,207).

Lindholm discloses “The present ADSL ... and HDSL ... techniques ... offer new possibilities for high-rate data and video transmission along the wire pair of a telephone network to the subscribers’ terminals” (column 1, lines 40-49). It would have been obvious to enable Stewart’s network to support such video transmission, thereby enabling users to conduct video communications.

Stewart does not expressly disclose a workstation, connected to the network, having a monitor for displaying visual images and A/V capture and reproduction capabilities for capturing and reproducing video images and spoken audio of participants. However, connecting such a workstation to a telephone network was well known in the art, as evidenced by McNamara. McNamara teaches an ADSL system that executes a high speed transfer over a telephone line and provides the capability of video conferencing (column 1, lines 29-46). The claimed workstation having a monitor is inherent in a video conferencing system. It would have been obvious to provide such a workstation so that users could participate in video conferences.

Regarding claim 32, Stewart teaches that the database comprises a plurality of localized databases, each database configured to store the monitored event information associated with a particular multimedia collaboration system network, and a centralized database configured to centrally maintain the stored information associated with each of the plurality of localized databases (figure 1).

Regarding claim 33, Stewart teaches that the database comprises a centrally located database configured to maintain the monitored event information (figure 1).

Art Unit: 2153

Regarding claim 34, Stewart teaches that the database comprises a plurality of localized databases, each localized database configured to stored the monitored event information associated with a particular multimedia collaboration system network (figure 1).

Regarding claim 35, Stewart teaches that the database query system comprises a general filter (column 10, lines 36-41).

Regarding claim 36, Stewart teaches that the report generation system is configured to generate either standard or customizable reports about the multimedia collaboration system network in response to the database query information (column 10, lines 36-41).

Regarding claim 37, Stewart teaches that the reporting system provides a web-based interface for providing either of a web-based query or response interactivity such that a database query can be formulated and provided via the Internet (figure 1).

Regarding claim 38, Stewart teaches that the reporting system is operable, in response to the query information, to perform either of predetermined calculations or conditional tests on the event information stored in the database in order to generate a report (column 10, lines 36-41).

Regarding claim 39, Stewart teaches that the report comprises a machine readable report file (column 10, lines 36-41).

Regarding claim 41, Stewart teaches that the report comprises a combination of textual and graphical data (column 10, lines 36-41).

Regarding claim 42, the claim is rejected for substantially the same reasons as claim 31.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (US 6,389,112) in view of Lindholm (US 6,477,207) and Ditmer (US 6,490,620).

Regarding claim 29, Stewart does not expressly show a comma separated report file. However, the CSV report format is a comma separated report format that was well known in the art, as evidenced by Ditmer (column 19, lines 35-43). It would have been obvious to use such a report format because doing so would allow for the reports to be easily read by a variety of applications.

Claim 40 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (US 6,389,112) in view of Lindholm (US 6,477,207), and McNamara (US 5,974,139), and further in view of Ditmer (US 6,490,620).

Regarding claim 40, Stewart does not expressly show a comma separated report file. However, the CSV report format is a comma separated report format that was well known in the art, as evidenced by Ditmer (column 19, lines 35-43). It would have been obvious to use such a report format because doing so would allow for the reports to be easily read by a variety of applications.

Regarding claim 50, Stewart does not expressly show a comma separated report file. However, the CSV report format is a comma separated report format that was well known in the art, as evidenced by Ditmer (column 19, lines 35-43). It would have been obvious to use such a report format because doing so would allow for the reports to be easily read by a variety of applications.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

Art Unit: 2153

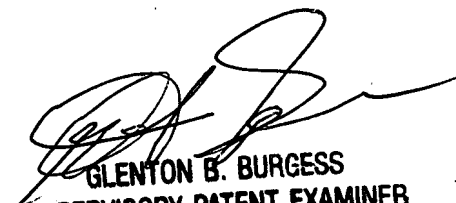
THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100